

## **REMARKS**

Claims 8-11, 18-19, and 22-39 are currently pending. Claim 18 is amended herein to specify that the triggerable cationic copolymer contains quaternary ammonium groups. Support for this amendment can be found throughout the specification as filed, e.g., at least at page 10, lines 10-23. Thus, this amendment does not represent new matter.

### **Double Patenting Rejection**

In order to expedite prosecution, Applicants have filed a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome a judicially created double patenting rejection over claims 1-34 of U.S. Patent Application Publication No. 2003/0055146 A1, which has issued as U.S. Patent 6,828,014 on December 7, 2004. Such filing should not be construed as an admission as to the obviousness of the claims in view of the '014 patent. Should it become necessary to file a terminal disclaimer in regard to pending U.S. Patent Application Publication No. 2003/0027470 A1, applicants will file at the appropriate time.

### **Rejections Under 35 U.S.C. § 102**

Claims 8-11, 18-19, and 22-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by WO 99/27186 to Bjorkquist et al.

Independent claims 8, 9, 11, 18 and 19 recite a binder material comprising a cationic copolymer containing quaternary ammonium groups. Bjorkquist et al. does not disclose a binder composition comprising a copolymer containing quaternary ammonium groups. Thus, because Bjorkquist does not disclose each and every element of independent claims 8, 9, 11, 18 and 19, Bjorkquist does not anticipate these claims.

Independent claim 23 and dependent claims 24-25 recite a permanently cationically charged copolymer that retains its cationic charge independent of pH. Bjorkquist does not disclose copolymers that are cationic at all values of pH, or permanently cationically charged.

The Office action has classified the dispersibility properties recited in claims 23 to 39 as statements of intended use that are not germane to patentability, citing *Ex parte Masham*, 2 USPQ2d 1647 (1987). As stated in Applicants' response to the Office action of January 28, 2004:

The Office Action does not point to any language, either in the preamble or in the body of the claim, to support the assertion that the recital of dispersibility properties of a product could qualify as statements of intended use of an apparatus. The claims do not contain language that would render any of the claim elements to be "intended use" limitations (see MPEP 2111.02 and 2173.05(q)). Rather, the claimed dispersibility properties are clearly functional characteristics of the fabrics, substrates and wipes, and should be examined as functional limitations. As noted in MPEP 2173.05(g):

A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used.

The claims are not directed to a single embodiment but rather to any embodiment meeting the limitations of the claims. Different embodiments may display different tensile strengths and dispersibility in water containing various levels of ions. As stated above, it is perfectly proper for Applicants to limit the claims to only embodiments having particular functional characteristics, as done in claims 23-39.

Because Bjorkquist fails to disclose each and every limitation of the pending claims, including functional limitations, the rejection under 35 U.S.C. § 102 (b) should be withdrawn.

## SUMMARY

It is respectfully submitted that all of the presently presented claims are in condition for allowance, and such action is requested in due course. Should the Examiner think a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned.

Submitted herewith is a Petition for Extension of Time for two (2) months.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. P. Belvis", written over a horizontal line.

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